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PART--I-- Orders and Notifications by the Government of Tripura, The High Court, Government Treasury etc.

Government of Tripura
Urban Development Department

No. F2(7)-TUDA/Tech/2019/ 5097-25 Dated, Agartala, the 17th July, 2019

NOTIFICATION

The Tripura Urban Planning and Development (General) Rules, 2019 are prepared as per the requirement of the section 160 of the Tripura Urban Planning and Development Act, 2018 (Tripura Act No. 12 of 2018).

Now, therefore, in exercise of the power conferred by section 160 of the Tripura Urban Planning and Development Act, 2018 (Tripura Act No. 12 of 2018) and in supersession of all previous rules on this subject, the Governor is hereby pleased to make the " Tripura Urban Planning and Development (General) Rules, 2019", as appended.

By order of the Governor,

[Special Secretary to the Government of Tripura]

Tripura Urban Planning and Development (General) Rules, 2019

PART I - PRELIMINARY

1. Short title and Commencement –

(1) These rules may be called the Tripura Urban Planning and Development (General) Rules, 2019.

(2) They shall come into force on and from the date of their publication in the Tripura Gazette.

2. Definitions. – In these rules, unless the context otherwise requires -

(a) "Act" means the Tripura Urban Planning and Development Act, 2018 (Tripura Act No. 12 of 2018);

(b) "Chairman" means the Chairman of the Authority;

(c) "Committee" means a Committee of the Board appointed under Rule 5 or a Committee of the Authority appointed under Section 23;

(d) "Form" means Form appended to these rules;

(e) "Schedule" means the Schedule appended to these rules;

(f) "Section" means a Section of the Act; and

(g) "Vice-Chairman" means the Vice Chairman of the Authority;

PART II – FUNCTIONING OF THE BOARD AND THE AUTHORITY

3. Allowances to be paid to the members of the Board –

(1) An official member of the Board shall draw traveling allowance, daily allowance or any other allowance as is admissible to him under the rules of the Government of Tripura from the department of the Government of Tripura in which he is appointed at the relevant time.

(2) A member who is not a whole-time Government official or who is not a member of a local or statutory authority, shall be entitled to receive a sum of Rs. 2000/- as consolidated allowance for attending each meeting of the Board.

4. Temporary association of persons- The Board may associate with itself by nomination from amongst the person who have special knowledge or practical experience in the field of housing , engineering , law , town planning environment architecture, traffic and transport, planning or such other specialization for the purposes of tendering advice in the respective fields to the Board in performing its functions.

5. Appointment of the Committee- (1) The Board may, for the purpose of securing efficient discharge by its functions under the Act, appoint one or more committees out of its members.

(2) Each committee appointed under sub-rule (1) shall consist of such number of members as the Board may determine in respect of each committee and the Chairman of the Board, and in his absence, the Vice Chairman

and in the absence of the Chairman and Vice Chairman, any other member of the Board nominated by the Chairman shall preside over the meetings of the committee.

(3) The committee appointed under sub-rule (1) may associate with it such persons who have special knowledge or practical experience in the field of housing, engineering, law, town planning, environment or architecture, traffic and transport planning or such other specializations or other persons whose assistance or advice the committee may require in the discharge of its functions assigned to it by the Board.

6. Procedure to be followed by the committee – Every committee under rule 5 may evolve its own procedure for the conduct of business at its meetings and for all other matters relating to its functioning.

7. Powers to call for information – (1) The Board or a committee appointed by it under rule 5 shall be entitled to call for from any Department of the State Government or the Authority or any local authority or any other agency or organisation under the control of the State Government/Authority or the local authority, as the case may be, any information, return, statement or report required by it for the efficient discharge of its functions under the Act.

(2) The Board or a Committee appointed by it under rule 5 shall be entitled to require attendance at its meetings of any officer of the State Government or the Authority of a local authority or any other agency or organisation referred to in sub-rule (1) who is required to assist the Board or the committee in the discharge of its functions.

8. Qualifications and experience for appointment as Commissioner – The Commissioner of –
(a) The Tripura Urban Planning and Development Authority established under Section 17 of the Act, shall be appointed from amongst the officers of the Government of Tripura who are not below the rank of a Director;

(b) A Special Urban Planning and Development Authority constituted under section 29 or of a New Town Planning and Development Authority constituted under section 31 shall be appointed from amongst the officers of the State Government who are not below the rank of Director.

9. Term of office and conditions of services of members of the Authority- subject to the provisions of the Act, the term of office of a non- official member of an Authority shall be three years from the date of his appointment;
Provided that at the expiry of the period of his appointment, member shall be eligible for re-appointment.

10. Allowances to be paid to members of the Authority –
(1) An official member of the Authority shall draw traveling allowance, daily allowance or any other allowance as is admissible to him under the rules of the Government of Tripura from the department of the Government of Tripura in which he is appointed at the relevant time.
(2) A member who is not a whole-time Government official or who is not a member of a local or statutory authority, shall be entitled to receive a sum of Rs. 2000/- as consolidated allowance for attending the meetings of the Authority or any of its committees or in performing any other function of the Authority.

11. Salary and allowances to be paid to the Employees of the Authority - The Employees shall be whole time paid employee of the Authority and shall receive out of the fund of the Authority such salary and allowances as may be determined by the State Government, at the time of his appointment.

PART – III – COMPLETION OF BUILDINGS, EXTENSION IN TIME FOR SUCH COMPLETION, FEE FOR SUCH EXTENSION, PROCEDURE FOR APPEAL AND REVISION AND SERVICE OF NOTICE

12. Development permissions - The Tripura Building Rules, 2017 and its subsequent amendments so far as they are not in consistent with the provisions of the Act, shall mutatis matandis apply in respect of matters specified in sub-section (ii) of section 39.

13. Time within which building is to be completed –

(1) The transferee shall complete the building within three years from the date of issue of allotment order or the date of auction, as the case may be, in accordance with these rules.

(2) The time limit specified in sub-rule (i) may be extended by the Estate Officer in the manner and on payment of fee specified hereinafter if he is satisfied that the failure to complete the building within the said period was due to a cause beyond the control of the transferee.

(3) Extension in time limit in terms of the provisions of sub-rule (2) may be granted by the Estate Officer for a period not exceeding two years and one year at a time on the payment of fee at the following rates, namely:-

(a) In the case of residential plots as under:-

Sl. No.	Period of extension	Rate of fee per square metre
i	First year	Rs. 20
ii	Second year	Rs. 30

(b) in the case of commercial or other than residential use plots as under –

Sl. No.	Period of extension	Rate of fee per square metre
i	First year	Rs. 40
ii	Second year	Rs. 60

(4) For removal of doubts it is hereby declared that fee prescribed under this rule shall be payable irrespective of the fact whether the plot holder applies or does not apply for extension under this rule.

14. Appeal – (1) An appeal against an order passed under section 40 or section 41 shall be presented to the Commissioner either by the appellant or his agent or shall be sent by registered post addressed to the Commissioner in the form of a memorandum of appeal indicating the date of the order appealed against, setting forth concisely the grounds of appeal accompanied by a certified copy of the order appealed against.

(2) The memorandum of appeal shall be signed by the appellant or his agent and shall be accompanied by a fee of one thousand rupees.

(3) On receipt of the memorandum of appeal the Commissioner shall fix a date for hearing the parties.

15. Revision – The provisions of rule 14 shall apply *mutatis mutandis* to every application for revision of any order passed by the Commissioner under sub-section (vi) or sub-section (vii) of section 41.

16. Manner of service of notice – In addition to the mode of service specified in the Act, a notice issued under sub-section (i) of section 42 or section 43 shall be served by delivering or tendering a copy of the notice to the person for whom it is intended or to any adult member of his family.

(2) Where a copy of the notice is delivered or tendered in terms of sub-rule (I), the signatures of the person to whom the notice is so delivered or tendered shall be obtained in token of acknowledgement of the service.

(3) In terms of sub-rule (2), if the person or the adult member of the family of such person refuses to sign or where such person cannot be found after using all due and reasonable diligence and there is no adult member of the family of such person, a copy of the notice shall be affixed on the outer door or some other conspicuous part of the ordinary residence or usual place of business of such person and the original notice shall be returned to the Estate Officer who issued the notice, with a report endorsed thereon or annexed thereto stating that a copy has been so affixed, the circumstances under which it was so done and the name and the address of the person, if any, by whom the ordinary or usual place of business was identified and in whose presence the copy was affixed.

(4) If a notice issued under sub-section (1) of section 42 or section 43 cannot be served in the manner provided in the Act or in sub-rule (1), the Estate Officer may, if he thinks fit, direct that such notice may be published in at least one newspaper having circulation in the locality and the contents of the notice be proclaimed in the locality by beat of drum.

PART – IV – BUDGET, ACCOUNTS AND AUDIT OF ACCOUNTS OF THE AUTHORITY

17. Budget of the Authority – The authority shall prepare its annual budget for the next financial year showing the estimated receipts and expenditure of the Authority in the form set out in Schedule I before or by the 31st January preceding the commencement of the said financial year and shall forward five copies of the budget so prepared and sanctioned by the Authority to the State Government within thirty days from the date of its sanction.

18. Supplementary Budget of the Authority – (1) The Chairman or with the approval of the Chairman, the Vice-Chairman of the Authority may, at any time during the year for which a budget has been prepared, lay a supplementary budget before the Authority at a special meeting.

(2) The supplementary budget shall be prepared in the same manner and form in which annual budget is prepared under rule 17.

(3) The provisions of rule 17 will apply to the supplementary budget as regards submission of its copies to the State Government.

19. Preparation and maintenance of accounts of the Authority – Subject to the provisions of the Act and the directions issued by the State Government in this behalf, the Authority shall maintain and keep at its headquarters proper books of accounts and other relevant records with respect to -

(a) All sums of money received and expended by the Authority and the matters in respect of which the receipt and expenditure takes place.

(b) All sales and purchases of land, sites, buildings, apartments; and

(c) the assets and liabilities of the Authority.

(2) The Authority shall, in each year hold in addition to any other meetings, a meeting as its annual meeting which shall be held within a period of six months ending with the date of closing of the financial year.

(3) At every annual meeting of the Authority held in pursuance of sub-rule (2), the Commissioner of the Authority shall lay before the Authority -

(a) A balance sheet as at the end of the financial year; and

(b) An income and expenditure account for the financial year.

(4) Every balance sheet of the Authority shall give true and fair view of the State affairs of the Authority as at the end of the financial year and shall be in the form set out in Part I of Schedule II or as near thereto as circumstances admit or in such other form as may be approved by the State Government.

(5) Every income and expenditure account shall give a true and fair view of the excesses of income over expenditure or the excesses of expenditure over income for the financial year and shall be in the form the set out in part II of Schedule II or as near thereto as circumstance admit or in such other form as may be approved by the State Government.

(6) The income and expenditure account including the balance sheet prepared under sub-rule (I) shall be signed on behalf of the Authority by not less than two members of the Authority one of whom shall be the Commissioner or the Vice Chairman.

(7) The income and expenditure account including the balance sheet shall be approved by the Authority before they are signed on behalf of the Authority in accordance with the provisions of sub-rule (6) and before they are submitted to the auditors for their report therein.

(8) The Authority shall send a copy of the income and expenditure account including the balance sheet together with the audit report thereon to the State Government and also publish it in the Official Gazette of the Government of Tripura.

20. Audit report of the Authority – As soon as the accounts of the Authority are audited by the auditors duly qualified to act as auditors under sub-section (i) of section 226 of the Companies Act, 1956, the Authority shall send a copy thereof together with the audit report thereon to the State Government and the accounts so audited shall be published in the Official Gazette of the Government of Tripura.

21. Annual report of the Authority – (i) After the close of each financial year, the Authority shall prepare and submit to the State Government not later than the 31st July, next following, an annual report of its activities during that year.

(2) The annual report referred to in sub-rule (i) shall be divided into two parts, namely –

(a) Part I shall contain general information on the activities of the Authority as far as possible containing chapters on administration works and schemes, development of land and buildings including new townships, construction of houses, special programs undertaken for low income groups, regulation and enforcement, management of land, buildings and other properties, finance and accounts, research and development including programs in engineering, town planning and architectural activities and other miscellaneous matter; and

(b) Part II shall contain appendixes giving statistical information relating to the Authority.

PART V – PLANNING AREA AND REGIONAL PLANS

22. Matters to be considered in specifying Planning area – Before making a declaration under sub-section (i) of section 52 for specifying any area to be a planning area the Designated Planning Agency shall take into consideration all or any of the following matters, namely:-

(a) Administrative boundary limits that is District, Tehsil, Block, Municipal Area, Village etc. limits;

(b) Geographical features, that is physiography, climate, water, soils and other physical resources;

(c) Means of communication and accessibility;

(d) Distribution of population that is present and future;

(e) Industrial location and growth trends;

(f) Economic base and commercial activities;

(g) Preservation of historical and cultural heritage;

(h) Urban expansion and periphery management;

(i) Ecological and environment balance;

(j) balanced regional development of the State;

(k) dispersal of economic activities to alleviate pressure on large cities; and

(l) any other matter which the Board may consider appropriate.

23.Form of Regional Plan –

(1) The Regional Plan shall be in the form of a written text that may also include maps, charts, graphs, diagrams, photographs and other explanatory and descriptive matters.

(2) The Regional Plans may be prepared in the manner described hereunder:-

(i) A physical survey of the planning area, including that of its broad land use pattern;

(ii) Collection of physical and socio-economic data with reference to natural and human resources, distribution of population and industry, communications network, housing requirements, environmental degeneration and such other matters as in the opinion of the Planning Agency relate to the development of the planning area;

(iii) Analysis of the data, as indicated in clause (ii) by means of maps, charts, graphs, diagrams and other statistical and cartographical tools and also by means of written matter explanatory of such maps, charts, graphs, diagrams, etc.

(iv) Preparation of Regional Plan of the planning area, outlining major proposals of the plan; and

(v) Preparation of written matter including zoning regulations forming part of the Regional Plan and including such summary of main proposals and such descriptive matters, as the Planning Agency may consider necessary to illustrate or explain the proposals, indicated by means of maps, charts, diagrams and documents.

24. Form and manner of publication of notice of draft Regional Plan under Section 59(i) – Public notice in Form I stating the fact that the draft Regional Plan of a planning area or a part thereof, as the case may be, has been prepared indicating therein clearly the boundaries of such planning area shall be published in the Official Gazette of the Government of Tripura and also in two newspapers in circulation in the planning area, one of

which shall be of the official language of the State, by the Authority, for inviting objections and suggestion within thirty days from the date of publication of the notice.

25. Form and manner of publication of notice of Regional Plan under Section 60 –

(I) A public notice in Form II stating the fact that the draft Regional Plan or part thereof as the case may be sent to the State Government in terms of sub-section (iv) of section 59 has been approved by the State Government.

(2) It shall also be stated in the notice to be published under sub-rule (1) that the Regional Plan or part thereof, as the case may be, shall come into operation after the expiry of a period of one month from the date of publication of notice referred to above and a copy thereof may be inspected at all reasonable hours in the offices of -

(i) The Tripura Urban Planning and Development Authority; and

(ii) The office of the Urban Local Bodies in whose jurisdiction the Planning Area wholly or partly falls.

26. Application for permission for development or change of land use – (1) Every application for changing the use of any land for any purpose or for carrying out any development in respect of any land under sub-section (i) of section 63 shall be made to the Competent Authority in Form III and shall be accompanied by the following plans and documents in triplicate, namely:-

(i) A copy of revenue plan, showing the location of the land as per the Index plan and such revenue particulars such as the name of the revenue estate khasra numbers, area of each of such units of land (that in khasras) and the total area;

(ii) A location plan (guide map) on a scale of not less than 1/50000, showing the location of the land in relating to the surrounding geographical features to enable its precise identification on the ground;

(iii) Where the area of the land is one and a half hectare or more, a survey plan of the land on a scale of not less than 1/10000, showing the boundaries of the land in question and also spot levels at a linear distance of at least fifty meters; and

(iv) A plan on a scale of not less than 1/10000, indicating the proposed use or development in respect of the said land, including the existing and the proposed means of its access front and to the established communication network;

(2) Every application (including all the plans and documents enclosed therewith) made under sub-rule (I) shall be signed by the applicant or his duly authorized agent.

(3) Every application under sub-rule (1) made by any person other than a Department of the State Government or the Central Government shall be accompanied by a fee of twenty hundred rupees per acre or part thereof to be paid by way of demand draft drawn on Scheduled Bank.

27. Manner of communicating grounds or refusal – Where the permission is refused under sub-section (iii) of section 63, the grounds of such refusal shall be recorded in Form IV and shall be handed over to the applicant if he is present and his acknowledgement shall be obtained and in case he is not present shall be communicated to the applicant by sending a copy thereof by registered post addressed to the applicant at the address given by the applicant in the application submitted to the Competent Authority under rule 25.

28. Form of Register of applications for permission – (1) The Register of applications for permissions under sub-section (vi) of section 63 shall be maintained in Form V.

(2) The register of applications maintained in form V for permission shall be available for inspection by any member of the public at all reasonable hours on payment of a fee of rupees ten payable by cash or by way of Demand Draft.

29. Manner of filing appeal against refusal of permission- (1) An appeal against an order passed under section 63 shall be, in writing, signed by the applicant or his duly authorized agent and shall be accompanied by the following documents, namely:-

(i) a certified copy of the order appealed against;

(ii) a precise statement of the facts of the case;

(iii) statements of facts and law in support of the case,; and

(v) any other material document of evidentiary value relied upon.

(2) The application of appeal made under sub-rule (1) shall be accompanied by a fee of rupees one thousand.

PART – VI – PREPARTION AND APPROVAL OF MASTER PLAN

30. Form and content of Outline Master Plan –

(1) The Outline Master Plan shall be in the form of a written text which may also include maps, charts, graphs, diagrams, photographs and other descriptive matters which the Designated Planning Agency may consider appropriate to illustrate the provisions of the Outline Master Plan.

(2) The provisions of rules 22 and 23 relating to the manner of preparation of a draft Regional Plan shall Mutatis mutandis apply to the preparation of the Outline Master Plan.

(3) The Outline Master Plan may include all or any of the following matters namely:-

(i) The reports of survey analysis of the socio-economic conditions of the planning area and its vicinity and periphery with special reference to the trends of population, industries, business, commerce and such other matters as may relate to the planned development;

(ii) A land use plan based upon such surveys of the existing use of land as may be necessary, as well as projected requirements of land for urban needs and consisting of comprehensive proposals for the most desirable utilization of such land for uses such as green belt natural reserves, parks and residential, commercial, industrial, cultural, educational, transportation related, re-creational, public and semipublic activities;

(iii) A traffic and transportation plan based upon the report of survey and inventory of traffic volumes, capacity of existing roads, highways and railways and consisting of proposals for a pattern of streets, roads, highways and parking loading, un-loading and terminal facilities and airports to serve the present and future requirements;

(iv) A public utilities plan, consisting of proposals for provision of water, electricity, drainage and disposal of sewage and refuse.

(v) A housing plan consisting of estimates of housing requirements and proposals relating to standards of new housing units;

(vi) Education, re-creation and community facilities plan indicating proposals for parks, open-spaces, re-creational, educational and other centers.

(vii) Other amenities plan indicating proposals for hospitals, dispensaries, vaccination centers etc;

(viii) Reports of survey and proposals for improvement or elimination of slums and lighted areas;

(ix) Reports on re-development or renewal of specific areas.

(x) A financial plan, containing estimates of revenue and resource, estimates and objectives of public services and such other fiscal matters and proposals for implementation in stages, of the Outline Master Plan;

(xi) An administrative plan, consisting of proposals and recommendations for administrative structure and proceeding and processes such as zoning, sub-division and regulations as may be necessary for the operation and implementation of the Outline Master Plan; and

(xii) Such other reports on specific matters, which in the opinion of the Designated Planning Agency, are necessary or desirable for the development of the planning area.

(4) The Authority shall within a period of one month from the submission of the Outline Master Plan to it by the Designated Planning Agency in terms of sub- section (i) of section 66, direct the Designated Planning Agency

to make the modifications, if any, in the Outline Master Plan and when these modifications are carried out, the Authority shall forward the same to the State Government through the Board and State Government shall give its approval to the Outline Master Plan as envisaged in sub-section (iv) of section 66.

31. Resolving of Contradictions– (1) In the case of any contradiction between the particulars of proposals shown on map and those shown on any other map or maps in respect of any area to which the Outline Master Plan relates, the map which is to a larger scale shall prevail and in the case of any such contradiction between any map and the written statement, the latter shall prevail.

32. Consent of the Municipal Committee or the Municipal Corporation – (1) After the Outline Master Plan is approved by the State Government under section 70, the Designated Planning Agency shall, where it is not a Municipal Corporation or Municipal Council or Nagar Panchayat, prepare the draft Comprehensive Master Plan for the Planning area or a part thereof.

(2) The draft Comprehensive Master Plan prepared by a Designated Planning Agency other than a Municipal Corporation or Municipal Council or Nagar Panchayat, shall be submitted to the Municipal Committee or the Municipal Corporation in whose jurisdiction the local planning area or a part thereof, for which the draft Comprehensive Master Plan has been prepared, falls for giving its consent to the draft Comprehensive Master Plan within a period of thirty days from the date of its receipt, failing which its consent shall be presumed to have been given.

(3) The provisions of rule 28 and 30 relating to the Outline Master Plan shall *mutatis mutandis* apply to the draft Comprehensive Master Plan as also to the form and contents thereof.

33. Public Notice of draft Comprehensive Master Plan – (1) The draft Comprehensive Master Plan, shall in addition to its publication in the Official Gazette of the Government of Tripura, in both map and written text forms be also displayed at a conspicuous place in the offices of -

(i) The Tripura Urban Planning and Development Authority; and

(ii) The urban local authority or local authorities in whose jurisdiction the planning area wholly or partly falls.

(2) A public notice stating the fact that the draft comprehensive Master Plan of a planning area or a part thereof, as the case may be, has been approved by the Authority and setting forth clearly the boundaries of such planning area shall also be published in at least two newspapers in circulation in the local area, one of which shall be of the official language of the State.

34. Amendment of the draft comprehensive Master Plan:- (1) After considering all the objections and suggestions and after hearing the person, any amendments in the Draft Comprehensive Master Plan may be made by the Designated Planning Agency within a period of ninety days or within such further period as the Authority may extend:

Provided that the period so extended shall not exceed six months.

35. Approval by State Government:- The State Government may, within a period of thirty days from the date of receipt of the draft Comprehensive Master Plan in terms of sub-section (iii) of Section 66 approve the Draft

Comprehensive Master Plan or may approve it with modifications as it may consider necessary or may return the Draft Comprehensive Master Plan to the Designated Planning Agency to modify it or prepare a fresh plan in accordance with the conditions as the State Government may impose in this behalf.

PART VII: CONTROL OF DEVELOPMENT AND USE OF LAND IN THE AREA WHERE MASTER PLAN IS IN OPERATION

36. Form of application for permission under Section 73: (1) Every person intending to carry out any development in respect of, or a change of use of, any land or intending to sub-divide his plot or to layout a private street shall make an application to the Competent Authority in Form VI for granting permission under Section 73, along with the following documents and plans in triplicate, namely:-

(a) For carrying out building operations:- Site plan and building plans on the scales as per building made under the Act;

(b) For carrying out other developments of land:-

(i) Description of land, property or plot (location with name of roads on which the property abuts) and area details;

(ii) Revenue plot Plan with Khasra numbers of land in question (shown in red) and also adjoining Khasra numbers on the outer limits of the land;

(iii) Location plan indicating the land in question on a scale of not less 1:2000 showing main approach roads and any other prominent buildings in the vicinity;

(iv) Survey plan on a scale of not less than 1: 2000 showing the boundaries of land in question, natural features like nala, ponds, trees, slopes, contour plan, if the land is undulated, high tension line passing through or adjoining land upto a distance of 200 meters, existing roads showing the right of way and railway lines with their specifications and railway boundaries, position of electric and telephone boundaries, position of electric and telephone poles and all such other matters which need to be coordinated with adjoining areas;

(v) A plan on a scale of not less than 1:2000 showing all development proposal including utilities services with respect to land in question along with an explanatory note indicating the type of development proposed, namely residential, commercial or industrial or any other proposal for change of land use;-

(vi) Permission from the Competent Authority in respect of development proposals relating to mining and quarrying;

(vii) Any other plan, document and details which the Competent Authority may require; and

(viii) Name and address of the registered Town Planner, Architect or Engineer.

37. Departments of Government and Local Authorities to notify their intention under Sub-Section (ii) of Section 73:- Every department of the Government of Tripura or the Central Government or the local authorities intending to carry out any development in respect of, or change or use of, any land shall notify in writing to the Competent Authority its intention to do so giving full particulars thereof along with the documents and plans as are specified in rule 36.

38. Every application made under rule 36 shall be accompanied by a fee to be paid by way of a demand draft drawn on a Schedule Bank or online payment at the following rates namely –

(a) For building operations the same fee as is specified in the Tripura Building Rules;

(b) Development, re-development of land and change of land use, the fee shall be ten thousand rupees per acre or part thereof.

39. Mode of Communication of order under Sub-Section (vi) of Section 73:-

Where permission is granted with conditions or is refused, the grounds for imposing such conditions or such refusal shall be recorded in writing in an order made in Form XVI, VII or Form VIII respectively and shall either be handed over to the applicant if he is present and his acknowledgement shall be obtained or be communicated to him by a registered letter posted at his address given in the application for permission, in case he is not present.

40. Manner of filing appeals and payment of fee under Sub- Section (i) of Section 74:- (1) The appeal under Section 74 shall be preferred in the form of a memorandum and shall be presented to the appellate authority either by the appellant himself or by his authorized agent specifying the following matters and also accompanied by the following documents, namely:-

(i) The date of order appeal against along with a copy of such order;

(ii) A clear statement of facts and the grounds in which the appeal is made;

(iii) Precisely their relief prayed for; and

(iv) The following verification certificate duly signed by the applicants. "I/We---------- do hereby declare that the facts stated above are true to my/our knowledge and belief."

(2) The memorandum of appeal referred to in sub-rule (1) shall be accompanied by a demand draft of rupees one thousand.

41. Time and manner in which acquisition notice under Sub-Section (i) of Section 76 is to be served :-

(1) The 'Acquisition Notice' under Sub-Section (i) of section 76 shall be served on the State Government in Form IX within a period of thirty days from the date of the order of the Competent Authority or the appellant authority as the case may be, together with documentary proof of ownership, location plan and site plan including copy of the order of the Competent Authority or the appellant authority as the case may be

(2) After receipt of the notice as Form IX, State Government shall appoint an Expert Committee with a Chairman from the officers of the State Government not below the rank of Principal Secretary and other two members from the field of Law and Town Planning for submitting a report thereon under sub-section (iii) of Section 76.

42. Time within which and manner in which compensation is to be claimed under Section 77(ii) and time in which notice is to be given under Section 77 –

(1) Every claim for compensation under sub-section (ii) of Section 77 shall be made to the Competent Authority within thirty days from the date of the order of revocation or modification of permission, as the case may be.

(2) The claim for compensation referred to sub-rule (1) shall be made in writing and be supported with the following documents, namely:-

(i) a copy of order of permission and proof of development charge or betterment charge paid;

(ii) plan showing the extent of development carried out;

(iii) expenditure incurred in carrying out any work in accordance with the permission which has been rendered abortive by the revocation or modification or permission duly verified by a value; and

(3) (i) offer to the Competent Authority shall be given by the owner to the Competent Authority within thirty days from the date of receipt of the offer.
(ii) On receipt of a notice under sub-clause (i), the Competent Authority shall refer the matter for adjudication to the State Government who shall be the prescribed Authority for the purpose of sub-section (iv) of Section 77.

43. Payment of penalty:- A person who, either by himself or at the instance of any and other person, commences, undertakes or carries out development of, or change the use of, any land without obtaining certificate regarding development charge or betterment charge under Section 72, the Authority may serve on such person a notice requiring him to pay the development charge or betterment charge, as the case may be, and also a penalty at the rate of eighteen per cent per annum of the amount due from him payable from the date of default upto the date its is actually paid.

44. Time and manner for applying for permission under Sub-Section (iii) of Section 79:- Any person aggrieved by the notice referred to in sub-section (i) of Section 79 may within a period of thirty days of the date of the notice may apply for permission in Form X for retention on the land, if any, building or works or for the continuance of any use of the land, to which the notice relates.

45. Appeal under Sub-Section (iii) of Section 79:- (1) An appeal against the notice served under sub-section (i) of Section 79 shall be in the form of a memorandum presented to the State Government either by the appellant himself or by his authorized agent or shall be sent by registered post addressed to the State Government indicating the date of notice appealed against.
(2) the memorandum of appeal shall be signed by the appellant or his authorized agent and shell accompanied with a fee of rupees one thousand.

46. Appeal under Sub-Section (ii) of Section 81:- Any person aggrieved by the notice served under sub-section (i) of Section 81 may appeal to the State Government within a period of thirty days from the date of service of notice in the same manner and in the same form as provided for under rule 44 for preferring appeal under sub-section (iii) of Section 79.

47. Manner of serving acquisition notice sub-section (v) of Section 81:-
The acquisition notice referred to in sub-section (v) of Section 81 shall be served in writing by the person interested in the land in respect of which a notice has been served under sub-section (i) of Section 81 on the State Government personally or be sent through a registered post requiring his interest in the land to be acquired within the period specified in such notice or within thirty days from the date of disposal of the appeal under sub- section (ii) of Section 79.

PART VIII: TOWN DEVELOPMENT SCHEMES

48. Other matters to 'be included in the scheme:- Other matters to be included in a scheme in terms of the provisions of clause (p) of sub-section (ii) of Section 83 shall be such as may be determined by the Authority by means of a resolution and the Authority may determine different schemes.

49. The manner of publication of declaration:- The Authority shall publish the declaration referred to under sub-section (2) of Section 84 in Form XI in two newspapers; one of which shall be of the official language of the State, widely in circulation in the area of the scheme in addition to its publication in the Official Gazette of the Government of Tripura and the Authority shall cause copies of the declaration to be affixed at conspicuous place in or near the area included in the development scheme and at the offices of the Authority and the urban local authority in whose jurisdiction the area of the scheme wholly or partly falls.

50. The manner of Publication of Notice:- (1) The notice, stating that a draft scheme in respect of an area-under sub-section (i) Section 85 shall, in addition to its publication in the Official Gazette of the Government of Tripura, be published in Form XIII in two newspapers one of which shall be of the Official Language of the State, widely in circulation in the area of the Scheme; and shall also be published by displaying a copy thereof at a conspicuous place in the offices of the Authority and the local authority in whose jurisdiction the area to the Scheme wholly or partly falls.

51. Time within which local Authority is to give consent under Sub-Section (ii) of Section 85:-(1) The local authority, in whose jurisdiction the land under the draft Scheme published under sub-section (i) of Section 85 falls, shall give it consent as required under sub-section (i) of section 85 within a period of thirty days from the date of the Authority has issued a letter to that effect to the local authority.

52 Publication of declaration under sub-section (i) of section 87: A declaration under sub- section (i) of section 87 regarding the making of the draft Scheme shall be published in Form XIII in the Official Gazette of the Government of Tripura and in two newspapers one of which shall be in the official language of the State widely in circulation in the area in which the land is situated and copies thereof shall be passed by the Authority in a prominent place within the said land and at conspicuous place in the offices of the Authority and the local authority in whose jurisdiction the area of the scheme wholly or partly falls.

53. Form of application under Section 91 (i) (a):- Every application for instituting or changing the use of any land or building or carrying out any development in respect of land included in the Scheme shall be made to the Authority in Form XIV and shall be accompanied by the following documents, namely:-

(i) A copy of revenue plan, showing the location of the land as per the Index Plan and such revenue particulars as name of the revenue estate, Khasra numbers, area of each of such units of land and the total area;

(ii) A location plan (guide map), on a scale of not less than 1,50,000, showing the location of the land in relation to the surrounding geographical features to enable its precise identification on the ground;

(iii) Where the area of the land is one and a half acre or more, a survey plan of the land on a scale of not less than 1/10000, showing the boundaries of the land in question and also spot levels at a linear distance of at least fifty meters; and

(iv) A plan on a scale of not less than 1/10000, indicating the proposed use or development in respect of the said land, including the existing and the proposed means of its access from and to the established communication network.

54. Form of permission under section 91 (i) (a) – The permission in terms of the provisions of clause (a) of sub-section (i) of section 91 shall be granted by the Authority in Form XV.

55. Qualifications for appointment as Arbitrator – (1) No person shall be eligible for appointment as single member committee to act as Arbitrator under sub-section (i) of section 94 unless he is an fellow or associate member of the Institute of Town Planners (India); or an associate member of the Institute of Architects (India); or an associate members of the Institute of Engineers (India) and has ten years experience in Regional Town Planning in a Town and Country Planning Organization of the State Government or the Central Government on a post not below the rank of Assistant Town Planner.

56. Procedure to be followed by the Arbitrator and manner of giving notice under section 94 (iii) (a) and (b) – (1) Before defining, demarcating and deciding the areas allotted or reserved for public purposed or purposes of the Authority and reconstituting plots under the scheme in terms of the provisions of sub-section (iii) of section 94 and before deciding the person or persons to whom reconstituted plot is to be allotted and such plot is to be allotted to persons having ownership in the command and deciding the shares of such persons, the committee as Arbitrator shall publish a notice in the Official Gazette of the Government of Tripura and in two newspapers one of which shall be of the Official language of the state widely in circulation in the area of the scheme stating therein the time as provided in section 120 within which the owner of any property or any person, whose rights are injuriously affected by making of the Scheme, shall be entitled under section 120 to make a claim for compensation before him and such notice shall also be displayed at some conspicuous place in the offices of the Authority and urban local authority in whose jurisdiction the area of the scheme wholly or partly falls.

(2) The Arbitrator shall, upto the date specified in the notice under sub rule (1), continue to carry on his duty as far as possible on all working days during the office hour in respect of the Scheme.

(3) Before proceeding to deal with the matters specified in sub-section (iii) of section 94, the Arbitrator shall, subject to the provisions of section 146, publish a notice in Form XVI in the Official Gazette of the Government of Tripura and in two newspapers, one of which shall be in the Official language of the State widely in circulation in the area of the scheme inviting objections from persons interested in any land or building comprised in the Scheme or affected by any of the particulars specified in the Scheme within thirty days from the date of publication of such notice in the Official Gazette and such notice shall also be displayed at conspicuous place in the office of the Authority and urban local authority in whose jurisdiction the area of the scheme wholly or partly falls.

(4) The Arbitrator shall, give all such persons who have filed objections in response to and within the time specified in the notice published under sub rule (3) sufficient opportunity of being heard and shall not give any decision till he has duly considered their objections.

(5) If during the proceedings, it appears to the Arbitrator that there are conflicting claims or any difference of the opinion with regard to any of the particulars of the Scheme, the Arbitrator shall give his decision with reasons therefore and decision so recorded shall be appended to the Scheme at the time of its submission to the State Government for sanction under sub-section (ii) of section 104.

(6) The Arbitrator shall record and enter in the Scheme every decision given by him in respect of any of the particulars specified in section 94 and the re-distribution and valuation statement and the financial statement shall be sent out recorded in Form XVII and Form XVIII respectively and in such other form including written matter as may be prepared by the Arbitrator.

(7) The scheme as prepared by the Arbitrator may include such matters as envisaged in rule 48 as may be relevant in relation to the provisions of section 104.

(8) The various parts of the scheme shall be so arranged that they can be easily referable in relation to maps and plans forming part of the scheme.

(9) Immediately after the final scheme has been drawn up in the manner provided in section 104, the Arbitrator shall -

(a) Publish a notice in Form XIX in the Official Gazette of the Government of Tripura and in two newspapers, one of which shall be of the Official language of the State, widely in circulation in the area of the Scheme about the preparation by him of the final Scheme, announcing, that the scheme shall be open for inspection by the public during office hours at his office; and

(b) Communicate, forthwith the decision taken by him under sub-section (iii) of section 94 in respect of each plot to the owners or persons interested by issuing relevant extract from such Scheme in Form XX.

Explanation - For the purposes of sub-rules (9), the expression "plot" shall mean a portion of land in one ownership and numbered and shown as one plot in the Scheme.

(10) The Arbitrator shall also inform the President of the Tribunal of Appeal about the publication of notice under sub-clause (a) of sub-rule (9).

57. Form of final scheme. (1) The final scheme drawn by the Arbitrator in accordance with the draft scheme under clause (u) of sub-section (iii) section 94 shall provide for –

(a) All matters specified in sub-section (2) of section 91;

(b) All matters specified in clauses (a) to (t) of sub-section (iii) of section 94 as per decision of the Arbitrator, if no appeal is preferred; and

(c) All matters specified in clauses (a) to (k) and clauses (n), (o), (p), (q), (r) and (t) of sub-section (iii) of section 94 as per decision of the Tribunal of Appeal, if appeals are preferred under sub-section (iii) of section 94.

58. The manner of serving notice under sub-section (i) of section 106. (1) If at any time before the final scheme is sanctioned under section 105, the State Government considers it expedient that a scheme should be withdrawn, it may serve a notice in Form XXI under sub-section (i) of section 106 on all the persons

interested in the scheme, for its intention to withdraw the Scheme by publishing it in two newspapers, one of which shall be of the official language of the State, widely in circulation in the area of the scheme and also publishing it in the Official Gazette of the Government of Tripura.

59. Procedure of eviction under sub-section (i) of section 108 - (1) Any person continuing to occupy the land which he is not entitled to occupy under the final scheme shall be summarily evicted by the Authority or any offices authorized in that behalf by the Authority in accordance with the procedure laid down under section 42.

60. Particulars to be given in the notice under sub-section (i) of section 109 - (1) The notice referred to under sub-section (i) of section 109 shall be given in Form XXII giving the following particulars, namely:-
(a) The existing building or structure which is in contravention of the provision of the final Scheme;
(b) Erection or re-erection of building or structure and any other work carried out or being carried out within the area of the Scheme in contravention of the final scheme.

61. Manner of publication of notice under sub-section (ii) of section 110 - (1) The Authority shall publish a notice under sub-section (ii) of section 110, stating that a draft variation in the scheme has been prepared, in two newspapers widely in circulation in the addition to its publication in the Official Gazette of the Government of Tripura
(2) the notice referred to sub-rule (1) shall also be published by displaying a copy thereof at a conspicuous place in the offices of the Authority and urban Local Authority in whose jurisdiction the area of the scheme wholly or partly falls.

62. Particulars of draft variations under sub-section (iii) of section 110. (1) If the Scheme needs variation or modification of a minor nature as referred to under sub-section (i) of section 110, the notice of preparation of draft variation as published under sub-section (ii) of section 110 shall contain every amendment proposed to be made in the Scheme due to the variation in any of the clauses specified under sub-section (ii) of section 83 and consequential changes involved in clauses (a) to (t) of sub-section (iii) of section 94 are required to be made.

63. Period for making payment under sub-section (ii) of section 123 - If the owner referred to in sub-section (i) of section 123 fails to make the payments as per direction of the Arbitrator made under the said sub-section (i) within a period of thirty days from the date of direction, the Arbitrator, if the Authority so requires, shall proceed to acquire the original plot in the manner provided in sub-section (ii) of section 123.

64. Number of installments and rate of interest under section 125 (i). - The net amount payable under the provisions of section 125 may be paid in lump sum or in six equated annual installments and where the owner elects to pay the said amount by installments, interest at the rate of eighteen percent per annum shall be payable on the net amount.

65. Procedure to be followed by the Tribunal of Appeal under sub-section (iv) of section 127 –

(1) If any question arises whether a sum is due to the Authority within the meaning of sub-section (ii) of section 127, it shall be referred to the Tribunal of Appeal constituted under section 97 who shall after making such inquiry as it may deem fit and after giving to the person by whom the same is alleged to be payable an opportunity of being heard, decide the question referred to it, as far as possible, in the same manner as is followed by a civil court in deciding appeals under the Code of Civil Procedure, 1908.

(2) The Tribunal of Appeal shall record its decision in writing in every case where the decision of the Arbitrator under clauses (d) to (k) and clauses (n), (o), (p), (r), (s) and (t) of sub-section (iii) of section 94 of the Act is modified, varied or rejected by it.

(3) On receipt of a reference from the Authority under sub-rule (1) the Tribunal of Appeal shall give notice as it deems sufficient to the parties concerned.

66. Recovery of cost under sub-section (ii) of section 129. - (1) If any officer is appointed by the State Government to complete all the works under the provisions of sub-section (ii) of section 129, the cost of such works if not paid on demand, shall be recoverable from the Authority as arrear of land revenue.

PART-IX

LEVY, ASSESSMENT AND RECOVERY OF DEVELOPMENT CHARGE AND BETTERMENT CHARGE

67. Rate of interest of late payment of development charge – in the event of failure to make payment of development charge as assessed by the Authority under sub-section (i) of section 132 by the person liable to pay such charge on or before the date specified, in the notice given to him by the Authority, interest at the rate of eighteen percent per annum shall be charged on the amount remained unpaid after the said date till the amount is actually paid in full.

68. Rate of interest on late payment of betterment charge. - In the event of failure to make payment of the amount of the betterment charge as assessed by the Arbitrator under sub-section (iii) of section 133 by the liable to pay such change on or before the date specified in the notice given to him by the Authority, interest at the rate of eighteen percent per annum shall be charged on the amount remained unpaid after the said date till the amount is actually paid in full.

69. Security for payment of development charge of betterment charge for filing appeal. - The appellant shall furnish to the Commissioner of the Authority or to the person authorized by him in this behalf, sufficient security through a bank guarantee in Form XXIII as is determined by the Tribunal of Appeal before whom appeal has been filed.

70. Manner of enforcing orders of the Tribunal of Appeal passed under section 134. An order passed by the Tribunal of Appeal under section 134 shall be enforced by the Authority in the manner specified here under:-

(a) In case the amount of development charge or betterment charge as assessed by the Arbitrator is reduced in appeal, refund the amongst of development charge or betterment charge as the case may be, to the extent it is so reduced; and

(b) In case amount of development charge or betterment charge, as the case may be, as assessed by the Arbitrator, is confirmed or enhanced in appeal, deduct the amount so confirmed or enhanced out of the security deposit or the bank guarantee furnished by the assesses at the time the appeal was filed, and if the amount so confirmed or enhanced is more than the amount of the security deposit or the recover the remaining amount after adjusting bank guarantee, the amount of the security deposit or bank guarantee, as if it an amount recoverable as arrear of land revenue.

71. Payment of development charge fix under section 141 –

(1) The owners of lands and buildings to which amenities provided by the Authority are extended under section 141 shall be liable to pay to the Authority the amount of the development charge as is fixed by the State Government under that section.

(2) On receipt of an intimation about the fixation of development charge under section 141, the Authority shall give to the person liable to pay the development charge a notice, in writing, of the amount of development

charge payable by him and the date by which such payment shall be made and such notice shall also state that in the event of failure to make such payment on or before such date, interest at the rate of eighteen percent shall be payable from such date on the amount remaining unpaid.

(3) If the amount of development charge is not paid within the period specified in the notice issued in sub-rule(2), the amount so remained unpaid together with interest shall be recoverable as arrears of land revenue.

By order of the Governor,

[Special Secretary to the Government of Tripura]